IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC NO.8651 OF 2007
MANJU DEVI W/O SRI P.N. GUPTA, LINE BAZAAR, MIRGANJ, HATHUA, GOPALGANJ.
VERSUS
1. THE STATE OF BIHAR
2. THE DISTRICT MAGISTRATE, GOPALGANJ
3. THE DISTRICT SUPPLY OFFICER, GOPALGANJ
4. THE SDO, HATHUA
5. THE BLOCK SUPPLY OFFICER, HATHUA, GOPALGANJ

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2 26.10.2009. Heard learned counsel for the parties.

The petitioner has come to this Court for direction to the respondents for quashing order dated 1.8.2003 and 7.8.2003, passed by respondent no. 4, by which he cancelled dealership licence of Ration shop granted under Public Distribution System.

The Government took a decision to grant 24% of licence of PDS dealership to Scheduled castes. It appears from annexure 2 series that three persons were granted licence in the year 1985 and one Desh Raj Ram, who belonged to S.C. was granted licence in the year 1992. Thereafter three persons including the petitioner were granted licence in the year 1994. One Jainav Khatoon was granted licence in the year 2000. The petitioner submits that in Line Bazar panchayat 8 PDS dealers have been appointed. Thus as per Government scheme 2 dealers would constitute 24% of total dealership.

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He submits that one Desh Raj Ram who belongs to SC was granted licence in the year 1992 itself. As such, out of four persons who have been granted licence after 1992, the licence of last dealer should have been cancelled to provide for 24% reservation to Scheduled castes. The petitioner was granted licence prior to Jainab Khatoon who got licence in the year 2000.

In view of the aforesaid circumstances, I remand the matter back to the SDO, Hathua, Gopalganj for fresh consideration of entire matter to provide 24 percent reservations to Scheduled Castes in accordance with law.

The SDO, Hathua would pass fresh order within three months from the date of receipt of a copy of this order after hearing all concerned.

The writ petition stands disposed of with aforesaid observations and directions.

Shashi. **(Samarendra Pratap Singh,J).**

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